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SUBJECT: ISRAEL ACCEPTS NEED FOR HOMEGROWN ASYLUM SYSTEM

Classified By: Deputy Chief of Mission Luis G. Moreno. Reason 1.5 (B/D)
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(C) 1. Summary. PRM DAS Kelly Ryan and DHS Director for Asylum Joe Langlois met with various GOI officials April 9 to discuss the development of an Israeli asylum policy. GOI officials expressed the view that African asylum-seekers are predominantly economic migrants rather than refugees. They also appeared to believe this issue was at a crisis point because of the exponential growth of applications (from 700-7000 persons applying in a one-year period). The GOI is actively seeking ways to prevent access to Israel as well as to return non-refugees home and find "safe third countries," such as Egypt, for those determined to be refugees. DAS Ryan encouraged Israel to establish a "fair and effective asylum policy" that would allow Israel to return those without genuine refugee claims and enable bonafide refugees to enjoy protection from refoulement and to receive social benefits from the State. Senior GOI officials, including the Director General of the Prime Minister's office, acknowledged the need for quick processing of pending asylum applications. Many officials appeared preoccupied with limiting access to asylum generally and seemed uninterested in allowing local integration of genuine asylees. The GOI welcomed the USG offer to train Israeli asylum adjudicators in the U.S. End Summary.

PRM DAS Kelly Ryan Visits Israel

12. (SBU) On April 9, PRM Deputy Assistant Secretary Kelly Ryan and DHS/CIS Asylum Chief Joseph Langlois met with GOI officials in the Ministries of Justice, Interior and Foreign Affairs as well as with Director General of the Prime Minister's office Raanan Dinur to discuss the development of an asylum system to cope with the rising numbers of African asylum-seekers in Israel. (Note: UNHCR estimates that roughly 8,000 asylum-seekers have arrived in Israel since January 2007. The overwhelming majority of asylum seekers claim to be nationals of Eritrea, Sudan and Cote D'Ivoire and 84% are males. End Note.) The meetings followed a two-day conference hosted by Tel Aviv University entitled "Developing an Asylum System in Israel" and attended by academics from the U.S., Australia, Canada, and Denmark, Israeli human rights organizations and academics, and GOI officials. (Septel).

Mixed Flows: GOI Worries About Increased Numbers
Of Economic Migrants and Asylum Seekers

13. (C) On April 9, Ministry of Justice Deputy Attorney General Mike Blas and Ministry of Interior Deputy Legal Adviser David Salomon voiced a widely-shared GOI view that "most Africans in Israel are not refugees, but economic migrants." Dinur separately noted that Israel is facing a major problem due to its open border with Egypt; Africans are taking advantage of the open border to seek work opportunities in Israel, he said. All GoI interlocutors expressed concern that, if Israel were to provide refuge to those eligible for asylum, the state would be inundated with exponentially more African asylum seekers. Several interlocutors observed that this issue had become the subject of Cabinet meetings.

14. (C) DAS Ryan and CIS Asylum Chief Langlois gave an overview of the US and European systems which had faced the same sorts of challenges. They noted that creating an effective asylum system would be important for a variety of reasons. First, they noted that Israel has obligations under the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. Second, having a fair and effective system permits a country to distinguish between those in need of and deserving of refugee protection and those who are not. They agreed with GOI officials that many immigration movements involve mixed flows. Ryan argued that identifying those in need of international protection quickly and precisely is critical. Israel is a member state of the International Organization for Migration, though there is no IOM mission in Israel. Under IOM's mandate as inter-governmental organization it assists countries world-wide on voluntary returns and provide technical support and training in the area of migration management, including the issues surrounding mixed flows as is well regarded for its counter-trafficking activities. Ryan urged the Israelis to consider working more closely with IOM on these issues in the future.

15. (C) Ryan encouraged the GOI to move quickly to adopt its own "fair and effective asylum system" to cope with the backlog of pending asylum applications and to address those that are made in the future. Denied applicants could be expeditiously removed from Israel while those eligible for refugee status could quickly be protected from return and could be granted a range of social benefits depending on Israel's policy preferences. Until this happens, she said, human smugglers, traffickers, and economic migrants themselves will continue to take advantage of the absence of an asylum system and Israel will continue to see a rise in the number of new arrivals. Ryan also stressed the need to make individual, not group, assessments of refugee claims.

16. (C) MFA Director for Human Rights Simona Halperin admitted that the GoI is reluctant to allow bona-fide refugees to reside in Israel for reasons of national identity. Halperin suggested that the U.S., Canada and European countries ought to "share Israel's burden" by resettling African refugees from Israel. MFA Deputy Director General Roni Yaar also suggested that Israel might establish refugee camps in the Negev for new arrivals. DAS Ryan discouraged the GoI from pursuing either of these ideas, explaining that "burden sharing" would likely draw more, not fewer, refugees to Israel and stating that it would be better to adjudicate cases than to set up camps.

Returns to Egypt or a Third Country

17. (C) Blas stated that the vast majority of asylum-seekers arrive by land from Egypt, where they have lived for "many years." DAS Ryan warned that Egypt's record on protecting Sudanese and Eritrean refugees is poor. If it were to return persons in need of international protection to the sending country, in this case Egypt, the GOI would have to consider whether the person would be returned to their country of origin and be subject to persecution or torture. It would be important for the GoI, to obtain assurances from

the Egyptians that returnees would not be subject to detention, torture, or refoulement, something given the history of detention and even returns of Sudanese who had been to Israel seems unlikely in the near future.

¶18. (C) At the Law Conference (septel), Ministry of Interior official Yochie Gnessin, who heads the National Status Granting Board, asserted that Israel should be able to return refugees and economic migrants to Egypt, as that country is a signatory to the 1951 Refugee Convention and a "safe third country." The audience disagreed and some challenged her assertions. Ryan encouraged the GoI to sit down with the GOE, UNHCR and International Organization for Migration (IOM) to resolve these issues. Dinur believes, however, that Egypt would not cooperate and requested the U.S. to encourage the GOE to "prevent people from coming across the Suez." Dinur asked her for help with the Egyptians and asked to be contacted regarding USG efforts to get Egypt to cooperate on returns issues.

¶19. (C) Faced with 2,000 - 3,000 Sudanese "enemy aliens" who become sur place refugees (in UNHCR's view) upon entering Israel, GoI interlocutors were interested in exploring ways to deport this population to safe third countries. Describing the U.S. experience of trying to find safe third countries for asylum seekers sheltered in Guantanamo Bay, DAS Ryan warned that these efforts are extremely time-consuming, labor-intensive and produce limited results. She encouraged Israel to seek IOM's assistance in dealing with "mixed flows" of economic migrants and refugees; IOM could help return home those determined not to be refugees, she added.

Need for a Fair and Efficient Asylum System

¶10. (C) Both Mike Blas and Ranaan Dinur accepted the need to adopt an asylum system that processes applicants quickly. DAS Ryan added that Israel's asylum system should be "precise, fair, and non adversarial." Ryan also encouraged the GoI to allow for judicial review of negative asylum decisions and an expedited removal process for those at the frontier who do not assert a credible fear of persecution or torture. She emphasized that Israel is facing a unique window of opportunity to create a fair and efficient asylum system of which Israelis can be proud.

GOI Welcomes U.S. Assistance

¶11. (SBU) All GOI officials welcomed the U.S. offer to train Israeli asylum adjudicators. Salomon said that the Ministry of Interior recently established 30 new positions that will work with UNHCR to register and interview asylum seekers; seven of the 30 positions are filled already, he added. Langlois noted that two Israeli officials are presently in the U.S. attending the five-week DHS Asylum Adjudication course and expressed willingness to host Israeli adjudicators in future sessions. The U.S. invitation for future training is contingent upon the GOI's use of those it sends as adjudicators.

¶12. (U) This cable has been cleared by PRM DAS Ryan.

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JONES